

Western Australia

Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982

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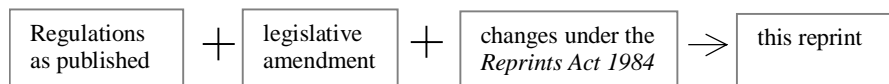
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Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

THE TEXT OF THE LEGISLATION FOLLOWS

Western Australia

**Agriculture and Related Resources
(Declared Plants and Restricted Animals)
Regulations 1982**

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Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982

1. Citation

These regulations may be cited as the *Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982*¹.

2. Commencement

These regulations shall come into operation on the 28th day after the day on which they are published in the *Government Gazette*¹.

[3. *Omitted under the Reprints Act 1984 s. 7(4)(e).*]

4. Interpretation

- (1) In these regulations unless the contrary intention appears —
- “**regulation**” means one of these regulations;
 - “**Schedule**” means the Schedule to these regulations;
 - “**subregulation**” means a subregulation of the regulation in which the term is used;
 - “**the Act**” means the *Agriculture and Related Resources Protection Act 1976*.

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- (2) The definitions set out in section 71(1) of the Act apply to these regulations.

5. Notice of intention to bring consignment into State

- (1) A person shall not bring into the State from elsewhere any coat, fodder, machinery, sack, seed, wool pack or restricted animal without first giving to the Protection Board written notice in the form of Form 1 in the Schedule of his intention to do so.
- (2) The notice referred to in subregulation (1) shall —
- (a) include a declaration stating that to the best of the declarant's knowledge and belief the consignment is free from declared plants and that the property or properties or places from which the consignment originates are free from declared plants; and
 - (b) sufficiently identify the consignment and state —
 - (i) the nature and number of the animals or things comprised in the consignment;
 - (ii) the name and address of the owner;
 - (iii) in the case of sheep, goats or other restricted animals (if appropriate), the date of last shearing;
 - (iv) the method of transport, the date and place of proposed importation, the name and address of the consignee, and the destination in Western Australia; and
 - (v) whether any or which agent has authority to act on behalf of the intending importer.
- (3) The notice referred to in subregulation (1) shall be given by the owner of, or the person importing, or an agent authorised by the owner or person importing, the coat, fodder, machinery, sack, seed, wool pack or restricted animal and the declaration required by subregulation (2)(a) shall be made by the same person as gives the notice.

- (4) (a) The original signed notice and declaration shall accompany the consignment but, subject to paragraph (b), a copy of the signed notice and declaration shall be delivered to an inspector at the place of entry into Western Australia at least 7 days prior to the day of proposed entry.
- (b) If the place of entry is at a permanently manned checkpoint, the period of notice shall be 48 hours or, in urgent circumstances, such lesser period as is agreed by the inspector.
- (5) Where a person intends to bring or receive into the State from elsewhere a restricted animal, the original of the notice and declaration shall be accompanied by a certificate signed by an inspector of the Department of Agriculture in the State from which the animal was consigned stating that he has examined the animal and found it to be free of declared plants and that to the best of his knowledge the property from which the animal originated is also free of declared plants, and each copy of the notice and declaration shall be accompanied by a copy of that certificate.
- (6) The certificate required by subregulation (5) shall be in the form of the reverse of Form 1 in the Schedule and shall be valid only for a period of 14 days from the date of issue unless an extension of its validity, for a period not exceeding 21 days, has been approved by the Protection Board.

[Regulation 5 amended in Gazette 7 Jan 1983 p. 35; 3 Aug 1984 p. 2333; 18 Oct 1991 p. 5325.]

6. Importing restricted animals

- (1) No person shall bring into the State from elsewhere any restricted animal unless —
 - (a) throughout the period subsequent to the time of inspection referred to in the certificate signed by an inspector of the Department of Agriculture in the State

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from which it was consigned, the animal was held in a place or yard which, and the immediate surrounding area of which, was free from declared plants; and

- (b) the removal from the place of inspection was carried out by road transport or by rail.

Penalty: \$200.

- (2) If, on arrival in Western Australia, the length of wool or hair on any part of the body of a sheep, goat or other restricted animal exceeds 20 millimetres an inspector shall by notice in the form of Form 2 in the Schedule require the animal to be shorn unless he certifies in writing that he is satisfied no prohibited material is present.

[Regulation 6 amended in Gazette 18 Oct 1991 p. 5325.]

7. Destruction or cleansing of certain animals or things

- (1) Any animal or thing delivered into the custody of an inspector in accordance with section 74 of the Act shall be held for such time as is necessary for inspection, shearing, cleansing or destruction.
- (2) Where any animal or thing is found to carry or contain any prohibited material and is detained in accordance with section 73 of the Act, an inspector may, by notice in the form of Form 2 in the Schedule, require the owner, consignor, consignee or person in possession or control of that animal or thing to destroy it or to cleanse it of prohibited material within the time specified in that notice.
- (3) A person who is unwilling to comply with the requirements of a notice to destroy or cleanse any animal or thing of prohibited material may instead —
 - (a) arrange with an inspector for its release on condition that it be exported from the State;
 - (b) within the time specified in that notice, return the animal or thing to a part of the State approved by an inspector; or

- (c) enter into a contract with the Protection Board to have such destruction or cleansing carried out, for and at the expense of such person, at a charge determined by the Protection Board from time to time.

8. Failure to comply with notice to cleanse or destroy

- (1) Where a notice given under regulation 7 is not complied with within the time specified, an inspector shall —
 - (a) cause the animal or thing to be cleansed of prohibited material and sold in accordance with regulation 11; or
 - (b) subject to the provisions of regulation 10, cause the animal or thing to be slaughtered or destroyed.
- (2) Where any animal is slaughtered under subregulation (1) an inspector shall cause the carcass to be sold for the best price that can reasonably be obtained.

[Regulation 8 amended in Gazette 25 Feb 1983 p. 735.]

9. Baling of coat

Where a coat is shorn under these regulations or is taken with the skin of any animal slaughtered under these regulations, the coat shall be baled and the bale shall be marked with an identifying mark and remain under the control of an inspector until exported, removed under his approval or destroyed.

10. Destruction or slaughter for economic reasons

- (1) If an inspector has reasonable grounds to believe that —
 - (a) there is no apparent reason why an animal or thing should not be slaughtered or destroyed; and
 - (b) the costs and charges of and incidental to the cleansing of that animal or thing would be likely to exceed the net proceeds of the sale of it by the best reasonable means,he may cause it to be slaughtered or destroyed and no compensation shall be payable.

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- (2) In considering whether or not any course of action would be economic, or whether or not any animal or thing should be slaughtered or destroyed, an inspector shall have regard to —
- (a) the facilities and time available or required;
 - (b) the costs and charges of and incidental to the proposed course of action and any reasonable alternative procedure; and
 - (c) the intrinsic value of that animal or thing and the adequacy of its replacement by a cash value.

[Regulation 10 amended in Gazette 25 Feb 1983 p. 735.]

11. Sale of animal or thing

- (1) Where any animal or thing is to be sold under these regulations it shall normally be disposed of by public auction, but where in the usual course of trading a different method of disposal would be reasonable and not manifestly unfair to the owner an inspector may take such action as he thinks fit to obtain the best practicable price.
- (2) After deduction by the Protection Board of all reasonable and necessary costs, charges and expenses, the balance of the proceeds of a sale made under these regulations shall be paid to the owner of the animal or thing sold and if the owner cannot be found shall be deposited with the Treasurer of the State.

12. Charges and expenses

- (1) The owner, consignor, consignee and person in possession shall be jointly and severally liable to the Protection Board for the costs, charges and expenses incurred by an inspector under these regulations in respect of the cleansing, sale, destruction or treatment of any animal or thing, in addition to any penalty that may be imposed for breach of these regulations.
- (2) The amount of expenses for which a person is liable under these regulations shall be recoverable by the Protection Board in a

court of competent jurisdiction as a debt due to the Protection Board, and a certificate to that effect by the Protection Board shall be prima facie evidence that the amount is properly payable.

Schedule

Schedule

Form No. 1

Western Australia

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Agriculture and Related Resources (Declared Plants and Restricted Animals)
Regulations 1982

Regulation 5

NOTICE OF INTENTION TO IMPORT AND DECLARATION

For Entry of Stock, Coats, Machinery, Fodder, Sacks, Seeds and Wool Packs into
Western Australia.

Instructions

This form is to be completed in duplicate.

Original: to accompany consignment.

Copy: to either —

- Stock Inspector, Department of Agriculture, Kalgoorlie 6430
- or Senior Officer (Prevention Services and Special Projects Section), Agriculture Protection Board, Jarrah Road, South Perth 6151
- or Regional Officer, Agriculture Protection Board, Department of Agriculture, Kununurra 6743
- or Officer in Charge, Department of Agriculture Checkpoint C/- Post Office Box 228, Norseman 6443 depending on entry point.

The copy must be received at the proposed entry point at least 7 days prior to introduction, except in the case of permanently manned checkpoints where 48 hours notice is required unless, in urgent circumstances, shorter notice is accepted.

Stock: The person bringing the stock into W.A. is to complete the NOTICE OF INTENTION TO IMPORT AND DECLARATION AND SCHEDULE (See reverse of form).

The CERTIFICATE (see reverse of form) is to be completed by an inspector of the Department of Agriculture in the State of origin.

Other Consignments:

The person bringing the items into W.A. is to complete the NOTICE OF INTENTION TO IMPORT AND DECLARATION AND SCHEDULE (see reverse of form).

NOTICE OF INTENTION TO IMPORT AND DECLARATION

- (a) Full name I, (a)
- (b) Address of (b)
- (c) Name of State in the State of (c)
am the * owner/agent of the owner/person importing/agent of
the person importing the stock or other items specified in the
Schedule (see reverse) intended to be brought into Western
Australia.
- I declare to the best of my knowledge and belief that the
stock or other items listed in the Schedule on the reverse of
this form are free from plants declared as declared plants in
Western Australia and that the place or properties from which
the consignments originated are free of declared plants.
- SIGNED:**
- (d) Full name & Address of Witness WITNESS: (d)
- (e) Signature of witness (e)

* Strike out whichever is inapplicable.

REVERSE OF FORM 1:

Schedule

- Description (type of stock, fodder, animal, coats, etc.)
.....
- Identification (sex, brands etc.)
-
- Number
- Method of transport
- Date of proposed entry into Western Australia
- Place of proposed entry into Western Australia
- Consigned by
- Consigned to
- Address of Consignee
- Destination in Western Australia
- The sheep, goats or other restricted animals (if any) were last shorn on
- Agent (if any) acting on behalf of importer

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Schedule

Certificate

COMPLETE FOR STOCK ONLY

I, being an inspector of the Department of Agriculture in the State of do hereby certify that I have examined the * sheep/cattle/horses/other animals referred to in the declaration of overleaf and have found the * sheep/cattle/horses/other animals free from plants declared as declared plants in Western Australia and to the best of my knowledge the property of origin is also free.

I have no reason to doubt the correctness of any of the particulars declared in the declaration.

Dated at this day of, 20

.....

Government Inspector.

* Strike out whichever is inapplicable.

NOTICE

Under the Agriculture and Related Resources Protection Act the following conditions apply to stock:

1. A certificate of inspection shall be valid only for a period of 14 days from the date of issue unless an extension of its validity, for a period not exceeding 21 days, has been approved by the Agriculture Protection Board.
2. Stock after inspection shall be held in yards which are free from declared plants.
3. Removal of animals from the place of inspection shall be by road or by rail transport.
4. Sheep, goats or other restricted animals with wool or hair length in excess of 20 mm on any part of the body will be required to be shorn on arrival in Western Australia.

Form No. 2

Western Australia

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Agriculture and Related Resources (Declared Plants and Restricted Animals)

Regulations 1982

Regulation 6

(a) Full name To (a) Mr.

(b) Address of (b)

 being the * owner/consignor/consignee/person in possession of the
 consignment described below, you are hereby notified that they have
 been detained by an Agriculture Protection Board inspector.

 Consignment

 Description

 Identification

 Number

 Origin

 Consignee

Signed

 Agriculture Protection Board
 Inspector

Date

* Delete whichever is inapplicable.

(c) & (d) The above items have been found to —

 Delete if (c) contain prohibited material, namely

 inapplicable (d) have wool or hair in excess of 20 millimetres

DETENTION OF CONSIGNMENT

Stock

(e) Date The above animals shall remain under the control of an inspector until
(e)

 in which period they must be satisfactorily —

(f) Delete if (f) { cleansed
 inapplicable { shorn
 { destroyed

Signed

 Agriculture Protection Board
 Inspector

Date

Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982

Schedule

Other Consignments.

(g) Date The above consignment shall remain under the control of an inspector until (g) in which period it must be satisfactorily cleansed or destroyed.

NOTE:

Any person unwilling to comply with the requirements of this notice may with the approval of an inspector export the consignment from the State or may return it to a part of the State approved by an inspector within the time specified in the notice.

RELEASE OF CONSIGNMENT

The above consignment is

(h) Specify * free from declared plants and may enter Western Australia/
place * not free from declared plants and is to be exported from the State
 or returned to (h)
 within Western Australia.

SIGNED
 Agriculture Protection Board
 Inspector

DATE

* Delete whichever is inapplicable.

[Schedule amended in Gazette 3 Aug 1984 p. 2333; 18 Oct 1991 p. 5325-6.]

Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982

Notes

- ¹ This is a compilation of the *Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982</i>	29 Oct 1982 p. 4357-61	26 Nov 1982 (see r. 2)
<i>Agriculture and Related Resources (Declared Plants and Restricted Animals) Amendment Regulations (No. 2) 1982</i>	7 Jan 1983 p. 35	7 Jan 1983
<i>Agriculture and Related Resources (Declared Plants and Restricted Animals) Amendment Regulations 1982</i>	25 Feb 1983 p. 734-5	25 Feb 1983
<i>Agriculture and Related Resources (Declared Plants and Restricted Animals) Amendment Regulations 1984</i>	3 Aug 1984 p. 2333	31 Aug 1984 (see r. 2)
<i>Agriculture and Related Resources (Declared Plants and Restricted Animals) Amendment Regulations 1991</i>	18 Oct 1991 p. 5325-6	18 Oct 1991
Reprint of the <i>Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982</i> as at 9 Nov 2001 (includes amendments listed above)		

[This printout is not an official version of the legislation]